

REMARKS

Applicant has amended the Claims 1, 7, and 9, and cancelled Claim 3 without prejudice. Applicant respectfully submits that these amendments to the claims are supported by the Application as originally filed and do not contain any new matter. Therefore, the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected the Claims 1, 2, and 4 under 35 U.S.C. 102 as being anticipated by Tyler.

Applicant has carefully reviewed Tyler and respectfully submits that while Tyler may disclose a rotary drive shaver with tiltable shear blades, the inner cutter and outer cutter surfaces which engage are not formed as convex curved surfaces and are in fact flat. Applicant's invention requires that these surfaces be convex curved surfaces or concave curved surfaces respectively.

In view of the above, therefore, Applicant respectfully submits that Tyler does not disclose each and every element of applicant's Claims 1, 2, and 4 and the Claims 1, 2, and 4 are not anticipated thereby.

The Examiner has rejected the Claim 3 under 35 U.S.C. 103 as being obvious over Tyler in view of Jorna, stating that Jorna shows that curved cutting surfaces are a desirable feature; and it would have been obvious to one of ordinary skill in the art to modify Tyler in view of Jorna, et al.

In reply thereto, Applicant would like to incorporate by reference its comments above concerning Applicant's invention and Tyler. In addition, Applicant has carefully reviewed Jorna, and respectfully submits that in Jorna there is no description that the inner cutter surface 16 would in fact be curved. In addition, Applicant respectfully submits that axial deviations of the inner cutter are prevented by an axial and radial bearing in Jorna, et al., and the axial bearing comprises shaft 9 together with protrusion 10 and 10-11 and the radial bearing comprises the bearing bush 19 and the bearings 22 and 23. Accordingly, Applicant respectfully submits that not only does Jorna not describe the inner cutter surface as being curved, but also suggests that the way to prevent axial deviation is by means of the axial and radial bearings. Therefore, it would not be suggested to one of ordinary skill in the art that axial deviation of the inner cutter should be prevented by providing curved surfaces on the inner and outer cutters.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention, but also the combination suggested by the Examiner is not suggested by the art. Therefore, Applicant respectfully submits that the Claim 1, which incorporates the limitations of Claim 3, is not obvious over Tyler in view of Jorna, et al.

Next the Examiner rejects the Claims 5 and 11 under 35 U.S.C. 103 as being obvious over Tyler in view of Bruecker, stating that Bruecker shows angled sides for the blades with a demarcating groove; and it would have been obvious to one of ordinary skill in the art to modify Tyler in view of the teachings of Bruecker.

In reply thereto, Applicant would like to incorporate by reference its comments above concerning Applicant's invention and Tyler. In addition, Applicant has carefully reviewed Bruecker and respectfully submits that the cutters of Bruecker are wedge-shaped like triangles and do not provide convex or concave curved surfaces and instead provide quite pointed surfaces. Still further, Applicant respectfully submits that the triangle shaped blades of Bruecker are not provided for the purposes of preventing axial deviation of the inner cutter.

In view of the above, thereof, Applicant respectfully submits that not only is the combination suggested not Applicant's invention, but also the combination suggested by the Examiner is not suggested to one of ordinary skill in the art. Therefore, Applicant respectfully submits that the Claims 5 and 11 are not obvious over Tyler in view of Bruecker.

The Examiner has rejected Claims 6 and 10 under 35 U.S.C. 103 as being obvious over Tyler in view of Uchiyama, et al., stating that Uchiyama, et al. shows a demarcating groove in the outer blade; and it would have been obvious to one of ordinary skill in the art to modify Tyler in view of Uchiyama, et al.

In reply thereto, Applicant would like to incorporate by references comments above concerning Tyler and Applicant's invention. In addition, Applicant's review of Uchiyama, et al. indicates that the surfaces of the inner and outer cutters are flat, just as they are in Tyler, and neither Tyler nor Uchiyama, et al. discloses convex or concave curved surfaces for the inner and outer cutters. In addition, Applicant respectfully submits that Uchiyama, et al. was provided with a bearing in the center of the inner and outer cutter for preventing axial deviation of the inner cutter. As a result, Applicant respectfully submits that Uchiyama, et al. does not suggest the advantage of guiding the inner cutter blade using a demarcating groove.

In view of the above, therefore, Applicant respectfully submits that not only is the combination that is suggested by the Examiner is not Applicant's invention but also the combination suggested by the Examiner is not suggested to one of ordinary skill in the art. Therefore, Applicant respectfully submits that the Claim 6 and 10 are not obvious over Tyler in view of Uchiyama, et al.

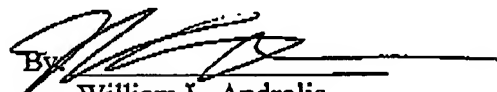
The Examiner has indicated that Claim 7-9 and 12-13 contain allowable subject matter and could be put in condition for allowance. Applicant has amended the Claims 7 and 9 and respectfully submits that the Claims 7-9, 12 and 13 are now allowable.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

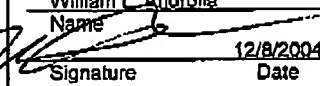
Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

By 
William L. Androlia
Reg. No. 27,177

2029 Century Park East
Suite 1430
Los Angeles, CA 90067
Tel: (310) 277-1391
Fax: (310) 277-4118

Certificate of Transmission	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 872-9303 on <u>December 8, 2004</u> .	
William L. Androlia	
Name	
	12/8/2004
Signature	Date